IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

MFA.No. 1404 of 1996

O.P (M.V).NO.335/1992 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM.
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APPELLANTS/CLAIMANTS:
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1. **K.S. SUNEETHI RAMACHANDRAN,**
   AGED 43, W/O. RAMACHANDRAN PANICKER,
   ASHA DEEPAM, KOCHAR ROAD,
   JAGATHY, THIRUVANANTHAPURAM.

2. **K. RAMACHANDRA PANICKER, S/O. P.M.G. NAIR.**

BY ADV. SRI.T.M.CHANDRAN.

RESPONDENTS/RESPONDENTS:
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1. **PRASAD, S/O. PADMANABHAN,**
   ALLATHUPARAMBIL VEEDU,
   TATA ROAD, COCHIN.

2. **S. JACOB, S/O. K.T. JACOB,**
   XXXVIII/939, CHITTOOR ROAD.

3. **UNITED INDIA INSURANCE CO. LTD.,**
   COCHIN.

4. **A. ASHOK KUMAR, S/O. KRISHNAN NAIR,**
   ASHOK BHAVAN, KADAKKAD,
   PANTHALAM.

5. **TONY JOSEPH, S/O. PERKATH JOSEPH CHERIYAN,**
   CHEERAKKAD DESOM, KANAYANNUR TALUK,
   TRIPUNITHURA MUNICIPALITY, ERNAKULAM.

prv.

M.F.A. NO. 1404/1996:

6. UNITED INDIA INSURANCE CO. LTD.,
TRIPUNITHURA.

BY ADV. SRI.K.R.RADHAKRISHNAN NAIR,
SRI.D.S.WARRIER,
SRI.TOM JOSE.

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 24/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

prv.

J.B.KOSHY & V.GIRI, JJ.

M.F.A.No.1404 OF 1996

Dated 24th August, 2007

JUDGMENT

Koshy,J.

Son of the appellants, at the age of 24, died in a motor accident while he was travelling as a pillion rider. Father was aged 43 and mother was also above 40 years. According to the claimants, the deceased was employed as a sales representative in Eureka Forbes Ltd. The accident occurred in 1991. Tribunal has assessed a compensation of Rs.1,20,000/-. It was also found that the rider of the motor cycle was negligent by 30% and 70% by the autorickshaw driver and directed the 6th respondent insurance company to pay 30% of the compensation and since the autorickshaw has no valid insurance directed the first and second respondents, owner and driver of the autorickshaw, to pay 70% of the compensation. Tribunal has also granted 12% interest on the amount of compensation from the date of application till realisation. Considering the amount of compensation granted, age of the claimants, interest awarded and totality of circumstances, we see no ground to interfere with the award.

The appeal is dismissed.

J.B.KOSHY
JUDGE

V.GIRI
JUDGE

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